

**State of California  
AIR RESOURCES BOARD**

**EXECUTIVE ORDER S-18-018**

**Adoption and Submittal of the Feather River Air Quality Management District  
Negative Declaration for Control Techniques Guidelines for the Oil and Natural  
Gas Industry**

WHEREAS, the California Legislature in Health and Safety Code section 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, CARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, section 39602 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, section 41650 of the Health and Safety Code requires CARB to approve the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, on March 12, 2008, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour standard for ozone of 75 parts per billion (ppb);

WHEREAS, on May 21, 2012, U.S. EPA designated the Sacramento Metropolitan Ozone Nonattainment Area (Sacramento Area) as Severe-15 for the 75 ppb 8-hour ozone standard;

WHEREAS, the Feather River Air Quality Management District (District) is one of five districts responsible for air quality planning for the Sacramento Area;

WHEREAS, on March 6, 2015, U.S. EPA promulgated the Rule, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements," (80 FR 12264 et seq.), which requires the submission of Reasonably Available Control Technology (RACT) SIPs for nonattainment areas classified as Moderate or above;

WHEREAS, U.S. EPA has published Control Techniques Guidelines (CTG) that establish RACT control limits for Volatile Organic Compounds (VOC) emissions from specific stationary source categories and establish various major source threshold limits;

WHEREAS, U.S. EPA requires districts to review their rules for CTG and major non-CTG sources located in the nonattainment area to determine if those rules meet RACT requirements and to update or adopt new rules if necessary;

WHEREAS, U.S. EPA requires districts not having a listed CTG or major non-CTG source in the nonattainment area to make a negative declaration stating this;

WHEREAS, on September 29, 2014, CARB submitted for inclusion in the California SIP the District's *Reasonable Available Control Technology Analysis and Negative Declaration* (RACT SIP);

WHEREAS, in October 2016, U.S. EPA released a new CTG for the oil and natural gas industry (EPA-453/B-16-001) and allowed nonattainment areas up to two years to address the CTG;

WHEREAS, the District's *Negative Declaration for Control Techniques Guidelines for the Oil and Natural Gas Industry* (Negative Declaration) certifies that no sources are present in the portion of the Sacramento Area under the jurisdiction of the District and thereby addresses the requirements for the applicable CTG source categories;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, following a duly noticed public hearing on August 6, 2018, the District Board adopted the Negative Declaration;

WHEREAS, CARB has determined that its subsequent adoption of the Negative Declaration is a "ministerial" approval for purposes of the California Environmental Quality Act (CEQA, Cal. Code Regs, tit 14, §15268) because CARB's review is limited to determining if the Negative Declaration meets the requirements of the federal Clean Air Act, and CARB lacks authority to modify or not approve the plan in response to environmental concerns;

WHEREAS, the District certified in their Board resolution on August 6, 2018, that this action is exempt from CEQA under the "general rule" or "common sense" exemption (CEQA, Cal. Code Regs, tit 14, §15061(b)(3));

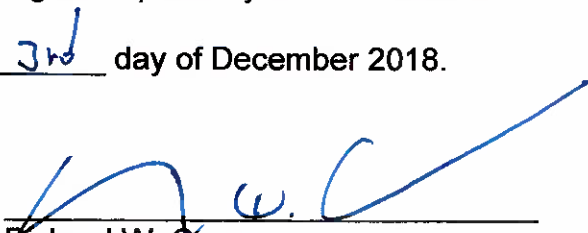
WHEREAS, section 39515 and 39516 delegate to the Executive Officer the authority to act for the Board in this matter;

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby adopts as a SIP revision the Negative Declaration adopted by the Feather River Air Quality Management District.

BE IT FURTHER ORDERED that CARB hereby submits to U.S. EPA the Negative Declaration and requests that U.S. EPA approve it as a revision to the California SIP.

I certify, pursuant to 40 CFR section 51.102 that the Negative Declaration prepared by the Feather River Air Quality Management District being submitted as a SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

Executed at Sacramento, California this 3rd day of December 2018.



Richard W. Corey  
Executive Officer

